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OLC: 78-2002/20
20 November 1978

MR
EP - Proleg

AT MEMORANDUM FOR: [REDACTED]

FROM:

Chief, Legislation Staff, OLC

SUBJECT:

Amendments to the So-called "Role of the Ambassador Legislation" and the Definition of "Chief of Mission"

REFERENCE:

State 287301, 110246Z November 1978

AT 1. [REDACTED] P.L. 95-426, the "Foreign Relations Authorization Act, Fiscal Year 1979" was approved by the President on 7 October 1978. Two sections of that law relate to ambassadorial responsibilities. Section 116 amends the definition of "Chief of Mission" in paragraph (9) of Section 121 of the Foreign Service Act of 1946. Section 117 amends the so-called "Role of the Ambassador Legislation" (22 U.S.C. 2680a) by substituting the term "Chief of Mission" for "Ambassador" wherever the latter term appears. (Sections 116 and 117 of P.L. 95-426 are attached at Tab A.) Reference cable, State 287301, provides a Department of State explanation of Section 117 of P.L. 95-426 (Tab B).

AT 2. [REDACTED] We considered the amendments cited above during our work on this bill (H.R. 12598) last summer and earlier this fall, and determined that the amendments were not objectionable, particularly given other serious problems in the bill. This determination was based on the fact that the changes were intended essentially to clarify--not change--the Role of the Ambassador Legislation to make clear that any individual heading a U.S. diplomatic outpost is entitled to be considered and treated as an Ambassador, even if that person, because of the nature of the U.S. presence, is not an Ambassador per se. In other words, even though the person heading the U.S. presence in such locations as Hong Kong or Peking is not an Ambassador, that person is the ranking U.S. official and should be considered as such.

AT 3. [REDACTED] There are several relevant aspects of the legislative history on these provisions:

a. The House version of the legislation amended the definition of "Chief of Mission." The report of the House Committee on International Relations states that the amendment is intended "to include the head of any

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